

**Fiscal Services Division**  
**Legislative Services Agency**  
**Fiscal Note**

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SF 593 - Court Costs (LSB 1374 SZ.1)

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Fiscal Note Version – As Amended by Amendment H-1924

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**Description**

Senate File 593, as Amended by Amendment H-1924, provides that the Clerk of District Court will collect a fee upon the filing of a probation revocation proceeding equal to the fee for filing and docketing a complaint, information, or citation in the underlying case from which the motion arises. The Bill, as Amended, increases the fee for filing and indexing a transcript in a probate proceeding from \$5 to \$50. Under the Bill, as amended, if the Judicial Branch revokes the probation of a defendant who receives a deferred judgment and imposes a fine, the Judicial Branch will apply applicable surcharges, penalties, and fees prior to reducing the amount of the fine by an amount equal to the amount of the civil penalty previously assessed against the defendant. The Bill, as Amended, also extends the same protections of a protective order or no-contact order to a new group of individuals; victims or witnesses of a domestic abuse criminal case.

**Background**

- Currently, the Judicial Branch does not charge a filing fee in a probation revocation proceeding.
- The current filing fee for a simple misdemeanor is \$50 and for an indictable misdemeanor is \$100.
- In FY 2006, there were 329 probation revocation petitions for simple misdemeanors and 9,481 petitions for indictable misdemeanors.
- Under current practice for deferred judgments, the criminal fine can also be revoked and the civil penalty imposed. If the civil penalty is imposed, the 32.0% criminal surcharge is not applied. If the probation is revoked, the suspension of the criminal fine can also be revoked and the civil penalty imposed. If the criminal fine is imposed, the 32.0% criminal surcharge applies.
- As of February 28, 2007, there has been \$3.5 million imposed and \$1.1 million collected on civil penalties for deferred judgments for FY 2007.
- As of February 28, 2007, there has been \$13.1 million imposed and \$4.2 million collected on the 32.0% criminal penalty surcharge for FY 2007.
- Violations of protective orders or no-contact orders are punishable by contempt proceedings.
- Under current law for protective order or no-contact orders, convicted offenders are required to serve seven days in the county jail.
- There were 1,283 convictions for violations of no-contact or protective orders in FY 2006 involving 1,059 offenders. Some offenders violated the order multiple times.
- Under current law, the filing fee for a protective order or a no-contact order can be waived.

**Assumptions**

- The number of deferred judgments that are revoked in a year cannot be determined.
- The first year collection rate for simple misdemeanor probation revocation proceedings would be 72.9% and the second and on-going collection rate would be 83.8%.

- The first year collection rate for indictable misdemeanor probation revocation proceedings would be 25.8% and the second and on-going collection rate would be 49.8%.
- The current one-year collection rate for civil penalties for deferred judgments is 26.3%.
- The current one-year collection rate for the 32.0% criminal penalty surcharge is 32.1%.
- The Judicial Branch will assess the required 32.0% criminal surcharge, court costs, and fees on the total amount of the fine prior to the reduction for payment of money towards the civil penalty.
- Court costs for a contempt proceeding are approximately \$100.00 per case. This amount includes the salary costs of magistrate judge or District Associate Judge, plus a court attendant and Clerk of Court staff.
- The number of filing fees waived cannot be determined since existing law is extended to a new group of individuals.
- The marginal cost per day for county jails is \$15.00 per inmate.

### **Correctional Impact**

It is not possible to forecast the number of convictions for protective orders or no-contact orders under the Bill as amended. Therefore, it is not possible to estimate the number of offenders held in county jails.

### **Fiscal Impact**

The revenue impact for adding a filing fee in a probation revocation proceeding would be an estimated \$257,000 in FY 2008 and \$486,000 in FY 2009.

The revenue impact for increasing the filing and indexing a transcript fee for probate proceedings from \$5 to \$50 cannot be determined.

The revenue impact of reducing a deferred judgment fine by an amount equal to the amount of the civil penalty previously assessed and paid by the defendant cannot be determined; however, the revenue could potentially be reduced. The revenue impact for requiring the 32.0% criminal penalty surcharge to be applied to the criminal fine prior to credit for the civil penalty already paid should be revenue neutral as it maintains current practice.

It is not possible to estimate the fiscal impact for protective order and no-contact orders, as the number of offenders is unknown. However, one conviction under the Bill will cost the State \$100 in court costs. Holding one offender in county jail for seven days is estimated to cost the county \$105. Any potential decrease in revenue is assumed to be minimal.

### **Sources**

Judicial Branch  
Department of Human Rights, Criminal and Juvenile Justice Planning Division

/s/ Holly M. Lyons

April 24, 2007

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

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